

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FRAY LYNCH,

Plaintiff,

v.

CITY OF WILMINGTON,

Defendant.

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C.A. NO. 06-351 JJF

JURY TRIAL DEMANDED

DEFENDANTS' PROPOSED JURY VERDICT FORM

1. Do you find that Fray Lynch has proven by a preponderance of the evidence that she was subjected to sexually suggestive comments by Michael Brown?

ANSWER: Yes _____ No _____

[If you answered "No" to Question 1, then proceed to question 10 but do not answer questions 2 through 9.]

2. Do you find that Fray Lynch has proven by a preponderance of the evidence that Michael Brown's conduct was not welcomed by Fray Lynch ?

ANSWER: Yes _____ No _____

[If you answered "No" to Question 2, then proceed to question 10 but do not answer questions 3 through 9.]

3. Do you find that Fray Lynch has proven by a preponderance of the evidence that Michael Brown's conduct was motivated by the fact that Fray Lynch is a female?

ANSWER: Yes _____ No _____

[If you answered "No" to Question 2, then proceed to question 10 but do not answer questions 4 through 9.]

4. Do you find that Fray Lynch has proven by a preponderance of the evidence that Michael Brown's conduct was so severe or pervasive that a reasonable person in Fray Lynch's position would find Fray Lynch's work environment to be hostile or abusive.

ANSWER: Yes _____ No _____

[If you answered "No" to Question 4, then proceed to question 10 but do not answer questions 5 through 9.]

5. Do you find that Fray Lynch has proven by a preponderance of the evidence that management level employees of the City of Wilmington knew, or should have known, of the Michael Brown's conduct prior to June 8, 2004.

ANSWER: Yes _____ No _____

[If you answered "No" to Question 5, then proceed to question 10 but do not answer questions 6 through 9.]

6. Do you find that the City of Wilmington had established an explicit policy against harassment in the workplace on the basis of gender.

ANSWER: Yes _____ No _____

7. Do you find that the City's policy against gender-based harassment was fully communicated to employees of the City of Wilmington.

ANSWER: Yes _____ No _____

8. Do you find that the City's policy against gender-based harassment provided a reasonable way for Fray Lynch to make a claim of harassment to higher management of the City of Wilmington.

ANSWER: Yes _____ No _____

9. Do you find that higher management of the City of Wilmington took reasonable steps to prevent Fray Lynch from incidents of sexual harassment by Michael Brown after June 8, 2004.

ANSWER: Yes _____ No _____

10. Do you find that Fray Lynch has proven by a preponderance of the evidence that she was subjected to a materially adverse employment action by the City of Wilmington, which affected the terms and conditions of Fray Lynch's employment, at any time after she filed a complaint against Michael Brown alleging sexual harassment.

ANSWER: Yes _____ No _____

[If you answered "No" to Question 10, then DO NOT proceed any further. Stop and inform Bailiff that you have reached a decision.]

11. Do you find that Fray Lynch has proven by a preponderance of the evidence that there is a causal connection between (1) Fray Lynch's complaint of sexual harassment on June 8, 2004, and (2) Michael Brown's comments to Fray Lynch at the community meeting on November 23, 2004.

ANSWER: Yes _____ No _____

[If you answered "No" to Question 11, then DO NOT proceed any further. Stop and inform Bailiff that you have reached a decision.]

12. Do you find that Fray Lynch has proven by a preponderance of the evidence that Michael Brown was acting in his capacity as an employee of the City of Wilmington when he made comments to Fray Lynch at the community meeting on November 23, 2004?

ANSWER: Yes _____ No _____

[If you answered "No" to Question 12, then DO NOT proceed any further. Stop and inform Bailiff that you have reached a decision.]

13. Do you find that Fray Lynch has proven by a preponderance of the evidence that Michael Brown 's comments to Fray Lynch at the community meeting on November 23, 2004, were made in retaliation for Fray Lynch's complaint of sexual harassment on June 8, 2004?

ANSWER: Yes_____ No_____

Inform Bailiff that you have reached a decision.

Please sign your name to this form in the space below.

Foreperson